

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

CHERYL NYKIEL, individually and as  
ADMINISTRATRIX of the ESTATE OF  
GREGORY T. NYKIEL, Deceased,

Plaintiff,

vs.

BOROUGH OF SHARPSBURG,  
SHARPSBURG POLICE DEPARTMENT,  
LEO RUDZKI, BOROUGH OF  
ASPINWALL, ASPINWALL POLICE  
DEPARTMENT, JOHN SABOL, BOROUGH  
OF BLAWNOX, BLAWNOX POLICE  
DEPARTMENT, GEORGE BUCHA,  
THOMAS DUFFY, MATT FUSCO,  
BOROUGH OF MILLVALE, MILLVALE POLICE  
DEPARTMENT, MIKE VITH, INDIANA TOWNSHIP,  
INDIANA TOWNSHIP POLICE DEPARTMENT,  
TOWNSHIP OF O'HARA, O'HARA POLICE  
DEPARTMENT, JASON MIDDLEBEE, TOWNSHIP  
OF HAMPTON, HAMPTON POLICE DEPARTMENT,  
TOWNSHIP OF SHALER, SHALER POLICE  
DEPARTMENT, BRIAN KELLY, ERIC STEGMAN,  
RICHARD ZILAITIS, SHAWN STELITANO,  
RICHARD FOWLER, BOROUGH OF ETNA,  
ETNA POLICE DEPARTMENT and  
CHAD MITCHELL

Defendants.

CIVIL DIVISION

No. 2:08-cv-00813

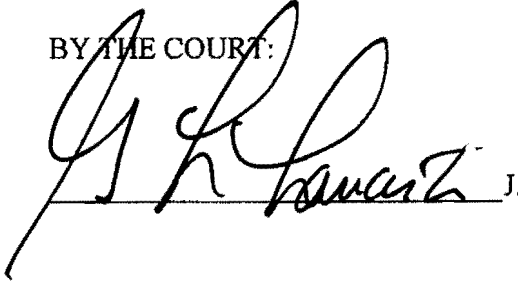
**ORDER OF COURT**

AND NOW, this 19 day of Jan, 2010, upon consideration of

Defendants Borough of Etna, Officer Chad Mitchell, Borough of Sharpsburg, Chief of Police  
Leo Rudzski and Officer Thomas Duffy's **Joint Motion for Leave to File and for a Ruling on  
Daubert Motion Prior to Summary Judgment**, it is hereby **ORDERED** that said Motion is  
**GRANTED** as follows:

- (1) Moving Defendants' *Daubert* Motion shall be filed on or before January 25, 2010;
- (2) Plaintiff's response thereto shall be filed on or before February 24, 2010;
- (3) Motions for Summary Judgment shall be filed within thirty (30) days of the Court's decision resolving the *Daubert* Motion.

BY THE COURT:



J. R. Lawrence J.